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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner:
Bianchi et al.)	Suzette J. Gherbi
)	
Application of Serial No. 10/699,175)	Group Art Unit 3738
)	
Filed October 31, 2003)	Ref. No. MSDI-434
)	
OPEN INTERVERTEBRAL SPACER)	March 5, 2008

Via Facsimile Transmission: 571-273-8300

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated November 5, 2007, please consider the following remarks. The Applicant notes that the finality of the previous Office Action has been withdrawn via a Decision dated February 1, 2008, a copy of which is enclosed herewith. Specifically, the Decision states that "the Nov. 5, 2007 final office action is premature and thus the finality of the action is hereby withdrawn." A fee in the amount of \$120.00 is remitted herewith for a one (1) month extension of time, thereby extending the time period to respond to the non-final Office Action to March 5, 2008. Please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

March 5, 2008

Date of Transmission

Brad A. Schepers

Name of Registered Representative

Signature

March 5, 2008

Date of Signature

Response to Non-final Office Action
Application Serial No. 10/699,175
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